

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services amends Chapter 58, “Emergency Assistance,” and Chapter 153, “Funding for Local Services,” Iowa Administrative Code.

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009, Public Law 110-329, appropriated \$600 million in additional funds to the Social Services Block Grant to address necessary expenses resulting from hurricanes, floods, and other natural disasters occurring during 2008 which the President declared major disasters and from Hurricanes Katrina and Rita. Iowa was awarded \$11,157,944 under this legislation.

The funds will be administered through the Department of Human Services as the single state agency for the Social Services Block Grant, but have been allocated to three departments (Human Services, Public Health, and Elder Affairs) for qualifying expenditures. Of the \$4,979,944 allocated to the Department of Human Services, the Department’s amendment to the Social Services Block Grant Pre-Expenditure Report provides that \$3,330,627 will be used to fund a new mental health counseling program for persons directly affected by the weather-related disasters of 2008.

These amendments adopt new Division V in Chapter 58 to implement this program, which is called Ticket to Hope. Under this program, people in need of mental health services may receive up to eight authorized 45- to 50-minute psychotherapy sessions with an approved mental health provider. Access to the program will be through the Iowa Concern Hotline, which will determine eligibility, authorize services, and submit claims to the Department of Human Services for payment. The services will be provided at no cost to the person receiving counseling.

These amendments do not provide for waivers in specified situations, since the changes benefit the persons affected by offering care that is not otherwise accessible. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments on February 24, 2009.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are contrary to the public interest in that there is an urgent need to make this assistance available as soon as possible. The grant is time-limited for the period October 1, 2008, through September 30, 2010.

The Department finds that these amendments confer a benefit upon the persons affected by affording access to mental health counseling. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 7642B** to allow for public comment.

These amendments are intended to implement Iowa Code section 234.6.

These amendments became effective March 1, 2009.

The following amendments are adopted.

ITEM 1. Reserve rules **441—58.59** and **441—58.60**.

ITEM 2. Adopt the following **new** division heading and preamble in 441—Chapter 58:

DIVISION V TICKET TO HOPE PROGRAM

PREAMBLE

This division implements the ticket to hope program, a mental health counseling program funded through a social services emergency disaster relief grant that was authorized by Public Law 110-329, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009. The program

pays for professional mental health evaluation and treatment services for individuals and families who have been affected by the weather-related disasters of 2008.

ITEM 3. Adopt the following **new** rules 441—58.61(234) to 441—58.68(234):

441—58.61(234) Definitions.

“Department” means the Iowa department of human services.

“Ticket to hope” means the mental health counseling program for individuals and families who have been directly affected by the weather-related disasters of 2008.

441—58.62(234) Application process. The process for obtaining assistance from the ticket to hope program is as follows:

58.62(1) A person requesting assistance shall contact the Iowa concern hotline by telephone at 1-800-447-1985.

58.62(2) The Iowa concern hotline shall gather information and determine eligibility for ticket to hope services based on criteria established in this division.

58.62(3) The Iowa concern hotline shall send to each eligible applicant a packet of information that includes:

- a. An introductory cover letter;
- b. A list of participating providers;
- c. An authorization form for one 45- to 50-minute session (valid for 30 days); and
- d. A demographic data form that includes a unique numeric client identifier.

58.62(4) The eligible applicant shall:

- a. Make an appointment with an approved provider; and
- b. Give the authorization and demographic data forms to the provider at the time of the appointment.

58.62(5) After the eligible applicant meets with the provider, the applicant may call the Iowa concern hotline and receive authorization for up to seven additional sessions. A new authorization form shall be issued for each session.

441—58.63(234) Eligibility criteria. To be eligible for assistance, a person living in Iowa must report:

1. That the impact of the 2008 disaster has impaired the person’s ability to carry out normal daily functions to some extent; and
2. That the person has no insurance coverage for mental health services, or has insurance with a high deductible that will deter the person from accessing necessary mental health services.

441—58.64(234) Provider participation. A mental health professional with an active professional license issued by the Iowa department of public health who is qualified to provide individual psychotherapy (i.e., Current Procedural Terminology code 90806, “individual psychotherapy, insight-oriented behavior modification or support, provided face to face with the patient in an office or outpatient setting”) according to the Iowa Plan vendor requirements shall be allowed to participate as a ticket to hope provider.

58.64(1) A mental health professional applying to participate in the program shall submit a copy of the professional license to the Iowa concern hotline.

58.64(2) The mental health professional shall agree to the terms of participation in the ticket to hope program by:

- a. Signing a professional services agreement with the department; and
- b. Returning the signed agreement to the Iowa concern hotline.

441—58.65(234) Provider reimbursement. A provider approved to participate shall be reimbursed as follows:

58.65(1) The provider shall submit a completed demographic data form and the authorization form to the Iowa concern hotline within 30 days after each completed session with an approved applicant.

- 58.65(2)** The provider shall be reimbursed at the lower of:
- a.* A rate of \$93 per assessment or counseling session, or
 - b.* The prevailing Iowa Medicaid rate.

441—58.66(234) Reconsideration. An applicant may request reconsideration of a denial of access to services. A mental health professional may request reconsideration of a denial to be a part of the professional provider panel.

58.66(1) To request reconsideration, the person shall submit a written request to the DHS Division of Mental Health and Disability Services, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

58.66(2) The department shall review any additional evidence or documentation submitted and issue a reconsideration decision within 15 days from receipt of the request.

441—58.67(234) Appeal. The person may appeal the department's reconsideration decision according to procedures in 441—Chapter 7.

58.67(1) Appeals must be submitted in writing, either on Form 470-0487 or 470-0487(S), Appeal and Request for Hearing, or in any form that provides comparable information, to the DHS Appeals Section, 1305 East Walnut Street, Des Moines, Iowa 50319-0114, within 15 days of the date of the reconsideration decision.

58.67(2) A written appeal is filed on the date the envelope sent to the department is postmarked or, when the postmarked envelope is not available, on the date the appeal is stamped received by the department.

441—58.68(234) Discontinuance of program. The program shall end on June 30, 2010, or when the funds are expended, whichever occurs first.

These rules are intended to implement Iowa Code section 234.6.

ITEM 4. Adopt the following new rule 441—153.8(234):

441—153.8(234) Expenditure of supplemental funds. When supplemental funds are issued through the social services block grant as emergency disaster relief, the department shall administer the funds in compliance with the terms of the federal award rather than the provisions of this division.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/09.